UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,069	12/27/2001	Donald D. LaNeve	W1200-00038	9444

7590   03/26/2008

Dority & Manning, P.A.
P.O. Box 1449
Greenville, SC 29602

EXAMINER
HARPER, TRAMAR YONG

ART UNIT	PAPER NUMBER
3714	

MAIL DATE	DELIVERY MODE
03/26/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *03 December 2007*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *10-17,27-34 and 38-55* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☐ Claim(s) *10-17,27-34 and 38-55* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Examiner acknowledges receipt of amendment filed 12/03/07. The arguments

set forth in the response are addressed herein below. Claims 10-17, 27-34, & 38-55

remain pending and Claims 1-9, 18-26, & 35-37 have been cancelled.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 10-17, 27-34, & 38-55 rejected under 35 U.S.C. 103(a) as being

unpatentable over Marshall et al (US 2005/0208995).

Claims 10-13, 17, 27-30: Marshall discloses a method and system for interactive

wagering user interfaces that comprises of a graphical user interface that allows a user

to place a wager or wagers (¶ 79, wagers comprise of quiniela, exacta, daily double,

etc.) on entrants for a race or races (multi-race bet), wherein all options are player

selectable (¶ 75-78, Figs. 9-14). Referring to Figs. 58-60, a user is displayed a list of

highlight able or selectable entrants, wherein when the player highlights a particular

horse or entrant table (5810) displays the payouts including the selected horse and

each other horse e.g. all possible pairs. Upon the user's discretion the user can

highlight a second horse and thus see a reconfigured payout table corresponding to

payouts including the second horse and each other horse (¶ 113, Fig. 58). If a

particular payout is appealing, the user may then select a desired combination by selecting a particular identifier associated with a desirable combination (¶ 114, Figs 59-60). Figs. 61-63 displays an alternative embodiment that operates in a similar manner. However, the players can see the payouts including the highlighted horse and each other horse and the payouts of all possible combinations or orders of the highlighted horse and each other horse (¶ 115-116). Marshall excludes the selectable identifiers associated with respective entrants and the selectable identifiers associated with respective combinations of entrants displayed together within the same graphical user interface screen for selection by said user. However, Applicant discloses that having to navigate through various screens causes a problem wherein a player has to remember important information and furthermore that too much information on one screen can prove to be overwhelming. These are advantages that are well known in the art and are common reasons for an artisan skilled in the art to manipulate or alter a GUI and information within a GUI for making it a more user- friendly system. Furthermore, when referring to figure 60 of Marshall, the payouts of an appealing wager and the selectable combinations are displayed at once. One of ordinary skill in the art, furthermore, would have expected Marshall's GUI, and applicant's invention, to perform equally well with either the selectable entrants for displaying payouts and the selectable combinations for placing wagers displayed individually, as taught by Marshall, or the claimed in one screen because both would perform the same function of providing a means for requesting payout information and selecting entrant combinations.

Therefore, it would have been prima facie obvious to modify Marshall to obtain the invention as claimed because such a modification would have been considered a mere design consideration which fails to patentably distinguish over the prior art of Marshall.

Claims 14-16, 31, & 33-34: Tote (totalisator) information (payouts) is provided to the user terminals via the tote data providers 114 via data servers (well known to include processors)(¶ 16, 44, 53-60). As such, appropriate updates corresponding to payouts, wagering, etc. are maintained within the system amongst the appropriate servers and user terminals via display.

Claim 32, 39, & 42: Servers are connected to user terminal (PC) via the Internet (¶ 52). Further the user has access to Internet address (web pages) for various wagering purposes, via the graphical user interface (¶ 126). It is inherent in the art to use program applets via servers (tote servers) for purposes of achieving a desired function such as updates via a display on a user computer terminal.

Claims 40 & 43: Marshall discloses the limitations as taught above with respect to Claims 10 & 27, but excludes the graphical identifiers as selectable probable payout monetary values displayed in said table and reconfigured table. Marshall discloses that the player is displayed a list of possible wager combinations for the selected entrants and the player selects an individual graphical identifier associated with a particular combination to place the wager (¶ 114, Fig. 60). As such, the graphical identifier is the row with the desired combination. However, Applicant discloses that having to navigate through various screens causes a problem wherein a player has to remember important

information and that too much information on one screen can prove to be overwhelming. These are advantages that are well known in the art and are common reasons for an artisan skilled in the art to manipulate or alter GUI and information within a GUI for making it a more user- friendly system. Furthermore, when referring to figure 60 of Marshall, the payouts of an appealing wager and the selectable combinations are displayed at once. One of ordinary skill in the art, furthermore, would have expected Marshall's GUI, and applicant's invention, to perform equally well with either the selectable identifiers as identifiers outside of the payout table, as taught by Marshall, or payout value combination identifiers within the table because regardless of the type of identifier or if the identifier is within the table the end result is the same. A user selects an identifier associated with a desired combination of entrants to place a wager based on the desired payout displayed in the table (Marshall Fig. 60).

Therefore, it would have been prima facie obvious to modify Marshall to obtain the invention as disclosed in Claims 40 & 43 because such a modification would have been considered a mere design consideration which fails to patentably distinguish over the prior art of Marshall.

Claims 38, 41, 44-46, 49-50, 52, & 55: Marshall discloses a method and system for interactive wagering user interfaces that comprises of a graphical user interface that allows a user to place a wager or wagers (¶ 79, wagers comprise of quiniela, exacta, daily double, etc.) on entrants for a race or races (multi-race bet), wherein all options are player selectable (¶ 75-78, Figs. 9-14). Referring to Figs. 58-60, a user is displayed a list of highlight able or selectable entrants, wherein when the player highlights a

particular horse or entrant table (5810) displays the payouts including the selected

horse and each other horse e.g. all possible pairs. Upon the user's discretion the user

can highlight a second horse and thus see a reconfigured payout table corresponding to

payouts including the second horse and each other horse (¶ 113, Fig. 58). If a

particular payout is appealing, the user may then select a desired combination by

selecting a particular identifier associated with a desirable combination (¶ 114, Figs 59-

60). Figs. 61-63 displays an alternative embodiment that operates in a similar manner.

However, the players can see the payouts including the highlighted horse and each

other horse and the payouts of all possible combinations or orders of the highlighted

horse and each other horse (¶ 115-116). However, Marshall excludes displaying initial

or reconfigured payouts tables of at least two wager types on one table or display.

However, Applicant discloses that having to navigate through various screens causes a

problem wherein a player has to remember important information and that too much

information on one screen can prove to be overwhelming. These are advantages that

are well known in the art and are common reasons for an artisan skilled in the art to

manipulate or alter a GUI and information within a GUI for making it a more user-

friendly system. Furthermore, Marshall discloses allowing a user to request initial or

reconfigured payout of different wager types, as noted above, but just not at the same

time. One of ordinary skill in the art, furthermore, would have expected Marshall's GUI,

and applicant's invention, to perform equally well with either displaying at the user's

request the initial and/or reconfigured payout table of one wager type at a time or

multiple wager types at the same time because both provide the same functionality of allowing a user to view various payouts of respective wager types.

Therefore, it would have been prima facie obvious to modify Marshall to obtain the invention as claimed because such a modification would have been considered a mere design consideration and routine to one of ordinary skill in the art, which fails to patentably distinguish over the prior art of Marshall.

Claim 46 & 52: Mir discloses displaying more payout for at least three wager types and Marshall discloses displaying initial and reconfigured payouts for a wager type (See Above).

Claim 47, 51, & 53: Marshall teaches that a player has the options of plurality of types of wagers such as quiniela, exacta, and daily double (¶ 79, wagers comprise of quiniela, exacta, daily double, etc.).

Claim 48 & 54: (Marshall) Servers are connected to user terminal (PC) via the Internet (¶ 52). Further the user has access to Internet address (web pages) for various wagering purposes, via the graphical user interface (¶ 126). It is inherent in the art to use program applets via servers (tote servers) for purposes of achieving a desired function such as updates via a display on a user computer terminal.

Response to Arguments

Applicant's arguments filed 12/03/07 have been fully considered but they are not persuasive. Applicant has requested to provide evidentiary support to the common knowledge statement with respect to the office action stating:

"Applicant discloses that having to navigate through various screens causes a

problem wherein a player has to remember important information and

furthermore that too much information on one screen can prove to be

overwhelming. These are advantages that are well known in the art and are

common reasons for an artisan skilled in the art to manipulate or alter a GUI and

information within a GUI for making it a more user- friendly system."

Marshall discloses graphical user interfaces that provide both expert and novice

wagering interfaces that enable experts and novices to place wagers quickly and easily

in accordance with their relative levels of experience. In an expert interface, a single

page incorporating multiple lines of wagering information is used to construct a wage.

The wagering information displayed in the expert interface is abbreviated so as to

enable the user to identify the information without being bogged down by unnecessary

detail e.g. experts don't generally want too much unnecessary information on one page.

In the novice interface, multiple pages of wagering information are used to construct a

wager. The wagering information displayed in the novice interface is presented in an

easy to understand layout so as to simplify the wagering process e.g. the more

information the better (¶ 17). This clear evidentiary support to what is known in the art

and generally advantages of why an artisan skilled in the art would manipulate or alter

GUI's and information within a GUI for making it a more user-friendly system. At least

with respect to the above the modification would not change the basic principal of

operation of Marshall, but fall well within the scope of Marshall's invention. At least for

this reason, the modification with respect to the selectable identifiers associated with

respective entrants and the selectable identifiers associated with respective

combinations of entrants displayed together within the same graphical user interface

screen for selection by the user would have been considered a mere design

consideration.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to TRAMAR HARPER whose telephone number is

(571)272-6177. The examiner can normally be reached on 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TH

/Ronald Laneau/
Supervisory Patent Examiner, Art Unit 3714
3/17/08